

Due Process Hearings FY2006-2007
Special Education Advisory Panel (SEAP/PL 94-142 Advisory Panel) Disclosure
December 2007

89 due process hearing requests filed (some of these led to decisions, some were withdrawn, and others are still pending)

- 10 of the 89 were expedited due process hearing requests

15 due process hearing decisions (some of these cases were filed in prior fiscal years):

- 6 decisions after hearing
- 3 dismissals
- 6 settlement orders

7 mediations: none resulted in withdrawal of due process hearing request

Copies of the due process hearing decisions are posted on the web site at: www.dese.mo.gov/divspeced (click on Compliance, and then click on complaint system, and then click on due process hearing system).

The issues in the cases that went to hearing, included whether an independent educational evaluation was needed, whether placement and services were appropriate, whether the manifestation determination was correct in a disciplinary change of placement, whether the district should have known a child had a disability; and whether an evaluation was appropriate.

Time-lines for all cases but two exceeded 45 days.

Time-lines were properly extended in all cases.

Time-lines ranged from one case of 27 days to one case of just over 2 years. The average time line was 11½ months.

Dismissals: These are Orders of the chairperson which reflect that the case is being dismissed contrary to the desire of the complainant. Examples of the reasons for such dismissals include, but are not limited to: the issue being moot, the parent having changed residence, the parent losing educational decision-making rights, and thus having no standing to pursue case, the issues being non-IDEA issues.

Settlement Orders: These are Orders of the chairperson which reflect the fact that the parties entered into a settlement agreement and that the case is being dismissed with prejudice based on that agreement. These Orders then can serve as the basis for a prevailing party to seek attorney fee reimbursement from the court if this issue has not been resolved as part of the settlement agreement. These are technically hearing decisions even though no hearing took place.